

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPEAL NO.153 OF 2020

(Surendra s/o Munnalal Chiklonde Vs. The State of Maharashtra thr. PSO PS
Ramnagar, Gondia, Tah. & Dist. Gondia and another)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri D.P. Bhongade, Advocate for Appellant.
Shri N.B. Jawade, APP for Respondent 1/State.

CORAM: ROHIT B. DEO, J.

DATE: 4th MARCH, 2020.

This appeal is preferred challenging the order dated 18.02.2020 passed by the District Judge-1 and Additional Sessions Judge, Gondia whereby the application preferred by the appellant – accused under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime 295/2019 for the offences punishable under section 324, 294 and 506 of the Indian Penal Code and under Section 3(1)(d), 3(1)(r) and 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is rejected.

2] The bail is rejected on the ground that the appellant is neither arrested nor surrendered to custody.

3] Earlier, the appellant approached this Court in Criminal Appeal 716/2019 challenging the rejection of the

application preferred under Section 438 of the Cr.P.C. for pre-arrest bail.

4] Vide order dated 03.02.2020 this Court disposed of Criminal Appeal 716/2019 with liberty to the appellant to apply for regular bail. This Court directed that the appellant shall be protected for fifteen days to enable the appellant to approach the Sessions Judge for regular bail. Implicit in the said liberty is the condition that the appellant shall surrender to the custody by appearing before the Investigating Officer or the Court. The appellant did neither. During the course of hearing, the learned Sessions Judge asked the learned counsel for the appellant whether he could ensure the presence of the appellant so that the application for regular bail could be decided and what is recorded is that the learned counsel for the appellant expressed inability to secure the presence of the appellant.

5] Even *de hors* the maintainability of the application for regular bail, the conduct of the appellant does not entitle him for bail.

6] The appeal is dismissed.

JUDGE